

# EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

**J. C. RODGERS,**

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\*

**Plaintiff,**

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**CIVIL ACTION NO. 1: 06 cv 491-**

**WKW**

\*

**v.**

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\*

**JOHN E. POTTER,**

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**Postmaster General,**

\*

**United States Postal Service,**

\*

\*

**Defendant.**

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**DECLARATION OF MARK NELSON**

I, Mark Nelson, make the following declaration under penalty of perjury.

1. I am employed by the United States Postal Service as a Labor Custodian at the Enterprise Post Office in Enterprise, Alabama.
2. I have been employed by the Postal Service since 1998. I was hired as a Part Time Flexible Letter Carrier and held that position until 2001 when I became a Part Time Flexible Labor Custodian. I am currently a regular full-time Labor Custodian and work 40 hours per week.
3. I am a Caucasian male and am 47 years old; my date of birth is June 3, 1959.
4. I met J. C. Rodgers when he began working at the Enterprise Post Office as a part time Labor Custodian. Mr. Rodgers worked approximately 20 to 24 hours per week.
5. As the two Custodians at the Post Office, Mr. Rodgers and I shared a work cart.
6. I do not remember the date; however, I placed a Dilbert cartoon on the Officer-in-Charge, Debra Alums', office door. [Cartoon attached as Exhibit 1].

7. Some time after I placed the cartoon on Ms. Alums' door, I saw it in the trash can. I liked the cartoon so I got it out of the trash can and placed it on my work cart. I did not hang or affix the cartoon to the cart; I simply laid it on the cart as I went about my work because I wanted to save it so that I could take it home.

8. I did not place the cartoon on the cart in order to offend or discriminate against Mr. Rodgers because of his race, his age or for any reason. I placed the cartoon on the cart for the simple reason that I wanted to keep it.

9. I forgot to take the cartoon off of the cart the day that I placed it there.

10. Someone told me that Mr. Rodgers took offense at the cartoon when he saw it on the cart. I told Mr. Rodgers that I was the person who placed the cartoon on our cart and explained to him why and how the cartoon happened to be on our cart.

Mark J. Nelson 7-31-06

Mark Nelson

Date